

Notice of Allowability

Application No.

10/015,564

Examiner

Robert Sellers

Applicant(s)

KUTSUNA ET AL.

Art Unit

1712

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to to the Request for Continued Examination and amendment filed 16 April 2007.
2. ☒ The allowed claim(s) is/are 26,28,30,34-37 and 48-84.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Robert Sellers
Primary Examiner
Art Unit: 1712

This is responsive to the Request for Continued Examination and amendment filed April 16, 2007.

The following is an examiner's statement of reasons for allowance:

1. Claims 26, 28 and 30 define a composition comprising a m-xylylenediamine epoxy resin and a reaction product consisting essentially of (A) m- or p-xylylenediamine, (B) particular species of acyl group(s)-containing compound and (C) certain species of monocarboxylic acid.
2. Claims 34-37 denotes a coated film comprising a gas barrier layer derived from an epoxy resin and the reaction product of (A) m- or p-xylylenediamine, (B) an acyl group(s)-containing compound and (C) certain species of monocarboxylic acid.
3. Claims 48-58 require a multi-layered laminate having a gas barrier layer prepared from an epoxy resin and the reaction product of (A) m- or p-xylylenediamine, (B) an acyl group(s)-containing compound and (C) certain species of monocarboxylic acid.
4. The aforementioned claims 26, 28 and 30 were deemed to be allowable since none of the prior art recites the claimed species of monocarboxylic acid (C) in the non-Final rejection mailed August 2, 2006 on page 5, paragraph 6.

Art Unit: 1712

Claims 34-37 and 48-58 were deemed to be allowable since they also require the species of monocarboxylic acid (C) and the terminal disclaimers filed March 11, 2005 and November 2, 2006 overcame the obviousness-type double patenting rejections over copending application nos. 10/488,684 and 10/516,956 and U.S. Patent No. 6,861,147 as explained in the Final rejection mailed November 15, 2006 on page 2, paragraph 2.

5. New claims 59-61 are directed to a coated film comprising a gas barrier layer obtained from a m-xylylenediamine epoxy resin and a reaction product consisting of (A) m- or p-xylylenediamine and (B) particular species of acyl group(s)-containing compound.

6. New claims 62-64 are drawn to a coated film comprising a gas barrier layer obtained from a m-xylylenediamine epoxy resin and a mixture consisting of a reaction product consisting of (A) m- or p-xylylenediamine and (B) particular species of acyl group(s)-containing compound, and a non-reactive solvent, catalyst and/or tertiary amine.

7. New claims 65-74 pertain to a multi-layered laminate having a gas barrier layer derived from a m-xylylenediamine epoxy resin and a reaction product consisting of (A) m- or p-xylylenediamine and (B) particular species of acyl group(s)-containing compound.

Art Unit: 1712

8. New claims 75-84 set forth a multi-layered laminate having a gas barrier layer produced from a m-xylylenediamine epoxy resin and a mixture consisting of a reaction product consisting of (A) m- or p-xylylenediamine and (B) particular species of acyl group(s)-containing compound, and a non-reactive solvent, catalyst and/or tertiary amine.

The new claims are supported by the specification.

9. The closest prior art to Japanese Patent Nos. 8-104738 and 63-301264 are inapplicable to the new claims limited to an amine curing agent "consisting of" the reaction product of (A) m- or p-xylylenediamine and (B) particular species of acyl group(s)-containing compound (claims 59-61 and 65-74) and a non-reactive solvent, catalyst and/or tertiary amine (claims 62-64 and 75-84). The fatty amine compound (B) of Japanese Patent No. 8-104738 and the polyamideamine of Japanese Patent No. 63-301264 is precluded by the "consisting of" claim language. Claims 62-64 and 65-74 confined to pyridine, picoline, lutidine and trialkylamine as the tertiary amine does not include the species of tertiary amine as the fatty amine compound (B) of Japanese Patent No. 8-104738 since none of these species are disclosed therein on page 3, paragraphs 17 and 18 of the translation.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert Sellers whose telephone number is (571) 272-1093. The examiner can normally be reached on Monday to Friday from 9:30 to 6:00. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

rs 4/26/2007



ROBERT E.L. SELLERS
PRIMARY EXAMINER